

REMARKS

Claims 11, 26, 27 and claims 45-74 are pending in this application. Claims 11, 26 and 27 had been found allowable in previous office actions. Claims 26 and 27 are objected to and Examiner has suggested changes.

Claims 11, 26, 27, and 45-74 are rejected under 35 USC 103(a) as being unpatentable over Pekka, EP Patent No. 0 623 235

Please cancel claims 11, 26 and 27 without prejudice. After this amendment, claims 45-74 are pending in this application.

35 USC 103(a) Obviousness Rejection

Pekka discloses, a system similar to the Burke and Hovokinian, cited earlier by the Examiner, where, an individual is choosing to make charitable contributions to a charity and is merely using the incident of a purchase transaction with a merchant to tender extra money than required for the purchase, intending to give the extra money as a charitable contribution and the merchant forwarding the individual's contributions to the charity, the identification of the charity being facilitated by a charity card on which the charity information is encoded.

Examiner acknowledges that Pekka does not teach or fairly suggest Merchant makes a contribution out of the sale proceeds as a percentage from the sale proceeds of the merchant.

Examiner further notes " However, that it is a common practice in the art for merchants to offer a percentage of sale to a customer to specific charity in order to attract more customer. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ the notorious old and well known

concept, for the merchant to contribute a percentage of sale to charities, into the system of Pekka for increasing the donation contribution. Therefore, it would have been an obvious extension as taught by Pekka."

Applicant submits that "the common practice in the art for merchants to offer a percentage of customer sales to a specific charity in order to attract more customers" is different that the current invention for the following reasons:

- (a) In the common practice art, the merchant makes a donation to a charity of his choice and not of an individual customer's choice who shops at the merchant as in this invention.
- (b) In the common practice art, the merchant makes a contribution as a percentage from all sales from all customers and not from sales to specific group of customers who intend to benefit a specific charity of their own choosing as in this invention.
- (c) In the common practice art, the merchant makes charitable contributions from all sales to a specific charity and does not distinguish or segregate sales between those customers who want to benefit specific charities(s) as in this invention.
- (d) In the common practice art, the merchant does not print on a sales receipt of a particular customer the funds donated to charity on behalf of that particular customer to a charity of customer's choosing as in this invention.
- (e) In the common practice, the merchant does not print on a sales receipt to a particular customer the cumulative contributions to a specific charity(s) based on sales to that customer as in this invention.

In summary, the present invention allows the merchant to donate as a percent of his/her sales (1) to charities for only those sales that result to specific customer(s) and not sales to all customers, (2) only to those charities that are selected by the specific customer(s) and not those selected by the merchant, and (3) segregate charitable funds by specific customer(s) enabling the sales receipt for these customers to be personalized with the their individual contributions to individual charities.

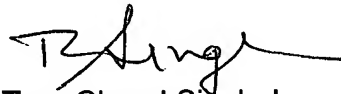
Therefore, the current invention is entirely of a different scope. Applicant submits that the current invention is not obvious under section 35 USC 103(a) over Pekka and the common practice in the art for merchants to offer a percentage of sales to customer to a specific charity as described above.

CONCLUSION

In conclusion, Applicant respectfully asserts that claims 45-74 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

Dated this the 4th day of February, 2003

Respectfully submitted,



Tara Chand Singhal
Applicant

P O Box 5075
Torrance, California 90510
Telephone: (310) 540-4095

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